

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**CLASSIC INK, INC.,** a Texas Corporation,

Plaintiff,

v.

Civil Action No. **3:09-CV-784-L**

**TAMPA BAY ROWDIES,**

a soccer sports team franchise,

**CITRUS SPORTS GROUP LLC,**

a Delaware limited liability company,

**CITRUS VENTURES,**

a venture firm operating in Massachusetts,

**TEAM IP HOLDINGS, LLC,**

a Florida corporation,

**RANDALL SPARKS,**

a resident of Florida,

Defendants.

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**CITRUS SPORTS GROUP LLC,**

a Delaware limited liability company,

Third-Party Plaintiff,

v.

**CHRISTIAN ANDERSON,**

Third-Party Defendant.

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**CHRISTIAN ANDERSON,**

Third-Party Plaintiff,

v.

**JEFF HENDERSON,**

**ADAM WALTERSCHEID,** and

**CLASSIC INK, INC.,** a Texas Corporation,

Third-Party Defendants.

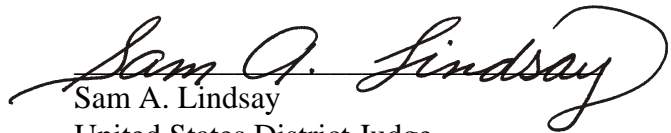
**MEMORANDUM OPINION AND ORDER**

Before the court is Classic Ink, Inc.'s Motion for Leave to File a Sur-Reply Brief in Opposition to Third Party Defendant Christian Anderson's Motion to Disqualify Plaintiff's Counsel, D. Scott Hemingway (the "Motion") filed November 29, 2009. After considering the Motion, response, reply, briefs, record, and applicable law, the court **denies as moot** the Motion.

Plaintiff Classic Ink, Inc. ("Plaintiff") requests to file a surreply in light of a new Fifth Circuit case, *In re ProEducation Int'l, Inc.*, 587 F.3d 296 (5th Cir. 2009), that Plaintiff argues abolishes an "irrebuttable presumption" standard that third party defendant Christian Anderson ("Anderson") relies upon to advance his motion to disqualify. The court has briefly reviewed this new case and does not believe it needs further briefing from the parties to make its ruling on Anderson's motion to disqualify counsel. When the court rules on Anderson's motion, the court will apply the law that is most current and controlling.

Accordingly, as further briefing is unnecessary for the court to make its ruling, the court **denies as moot** Classic Ink, Inc.'s Motion for Leave to File a Sur-Reply Brief in Opposition to Third Party Defendant Christian Anderson's Motion to Disqualify Plaintiff's Counsel, D. Scott Hemingway.

**It is so ordered** this 1st day of June, 2010.

  
Sam A. Lindsay  
United States District Judge